

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 CCL – Criminal Record Exemption Regulations

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held October 15, 2003, as follows:

October 15, 2003
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on October 15, 2003.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Title 22, Division 6, Chapter 1 (General Licensing Requirements), Sections 80001 (Definitions), 80019 (Criminal Record Clearance), 80019.1 (Criminal Record Exemption), 80019.2 (Child Abuse Central Index), 80054 (Penalties), 80061 (Reporting Requirements), 80065 (Personnel Requirements), and 80066 (Personnel Records); Chapter 8 (Residential Care Facilities for the Elderly), Sections 87101 (Definitions), 87219 (Criminal Record Clearance), 87219.1 (Criminal Record Exemption), 87454 (Penalties), 87565 (Personnel Requirements - General), and 87566 (Personnel Records); and Chapter 8.5 (Residential Care Facilities for the Chronically Ill), Sections 87801 (Definitions), 87819 (Criminal Record Clearance), 87819.1 (Criminal Record Exemption), 87854 (Penalties), 87861 (Reporting Requirements), 87865 (Personnel Requirements), and 87866 (Personnel Records); and Title 22, Division 12, Chapter 1 (Child Care Center General Licensing Requirements), Sections 101152 (Definitions), 101170 (Criminal Record Clearance), 101170.1 (Criminal Record Exemption), 101170.2 (Child Abuse Central Index), 101195 (Penalties), 101212 (Reporting Requirements), 101216 (Personnel Requirements), and 101217 (Personnel Records); and Chapter 3 (Family Child Care Homes), Sections 102352 (Definitions), 102370 (Criminal Record Clearance), 102370.1 (Criminal Record Exemptions), 102370.2 (Child Abuse Central Index), 102395 (Penalties), 102416 (Personnel Requirements), 102416.1 (Personnel Records), 102417 (Operation of a Family Child Care Home), and 102419 (Admission Procedures and Parental and Authorized Representatives Rights).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, the Community Care Licensing Division (CCL) of the California Department of Social Services (CDSS) has regulations in place that apply to all community care facilities (Division 6) and to all child care centers (Division 12). The proposed regulations amend the current CCL regulations by amending the applicable existing Definition; Criminal Record Clearance; Criminal Record Exemption; and Personnel Record Sections throughout Division 6, Chapters 1, 8, and 8.5 and Division 12, Chapters 1 and 3. The amendments are consistent with Health and Safety Code Sections 1522, 1522.1, 1568.09, 1569.17, 1596.871, and 1596.877, which were amended by Senate Bill (SB) 1984, Chapter 1267, Statutes of 1994. SB 1984 requires that the Department place into regulations existing policies and criteria, that have been used and refined for approximately 25 years, to evaluate criminal record exemption requests. Where necessary, regulations throughout all affected sections have been reworded and/or restructured for clarity and consistency.

COST ESTIMATE

1. Costs or Savings to State Agencies: These regulations will result in workload increases that are expected to be offset by workload decreases resulting from the new requirements for clearance prior to work.
2. Costs to Local Agencies or School Districts: These regulations will result in workload increases that are expected to be offset by workload decreases resulting from the new requirements for clearance prior to work.

3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded state agency or program.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not on school districts. The mandate is not required to be reimbursed pursuant to Section 17500, et seq. of the Government Code because implementation of the regulations will, if anything, result in negligible costs.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in 1522, 1530, 1530.5, 1568.072, 1569.30, 1596.81, and 1596.871. Subject regulations implement and make specific 1522, 1525.1, 1530, 1531, 1568, 1568.072, 1568.082, 1568.09, 1568.092, 1569.17, 1596.81, 1596.855, 1596.871, 1596.877, 1596.8897, 13143, and 14564, Health and Safety Code; and Section 15376, Government Code.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEMS FOR THIS PUBLIC HEARING – October 15, 2003

ITEM #1	ORD #0902-23	CCL – Criminal Record Exemption Regulations
ITEM #2	ORD #1202-27	Budgeting of the Food Stamp Program Standard Utility Allowance
ITEM #3	ORD #0403-09	Interim Closure or Removal Pending Arrest Investigation
ITEM #4	ORD #0703-17	CalWORKs 180-Day Family Reunification Extension